

**Notice of Allowability**

Application No.

09/622,665

Examiner

Eisa B. Elhilo

Applicant(s)

ANDREAN ET AL.

Art Unit

1751

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on August 23, 2005.
2. ☒ The allowed claim(s) is/are 17-20,26-29,39,42,45-53,56,57,61-64,74,77 and 80-100.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 9/30/2005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Eisa Elhilo*  
Eisa Elhilo  
Primary Examiner  
Art unit 1751

10/5/05

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Adriana L. Burgy on September 30, 2005.

#### **In the claims:**

Please cancel claims 21-25, 30-38, 40-41, 43-44, 54-55, 58-60, 65-73, 75-76 and 78-79.

In claim 17, in page 2, delete line 7, delete formula (I) and delete the lines under the formula (I).

In claim 17, in page 3, delete formula (II), delete the lines under the formula (II) and delete formula (III).

In claim 17, in page 4, delete lines 1-10 and delete formulae (IV) and (V).

In claim 17, in page 5, delete lines 1-14 and delete formula (VI).

In claim 17, in page 6, delete lines 1-9.

In claim 17, in page 7, delete line 7 under the formula (VIII).

In claim 17, in page 8, delete formulae (IX) and (X), delete the lines under the formulae (IX) and (X), delete formula (XI) and delete the term "in which." under the formula (XI).

In claim 17, in page 9, delete lines 1-4, delete formula (XII), delete the lines under the formula (XII) and delete formula (XIII).

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In claim 17, in page 10, delete lines 1-8, delete formula (XIV) and delete the lines under the formula (XIV).

In claim 17, in page 11, delete formula (XV), delete the lines under the formula (XV), delete formula (XVI) and delete the lines under the formula (XVI).

In claim 17, in page 12, delete formula (XVII), delete lines 1-12 under the formula (XVII).

In claim 17, in page 12, in third line from the bottom delete "aldehydes;" and delete "quinones;".

In claim 17, in page 12, in the second line from the bottom delete " diiminoisoindoline derivatives; 3-aminoisoindolone derivatives;".

In claim 17, in page 13, delete lines 1-3, delete formula (XVIII), delete lines 1-2 under the formula (XVIII), delete formula (XVIII A) and delete lines 1-5 under the formula (XVIII A).

In claim 17, in page 14, delete lines 1-11.

In claim 49, in page 32, delete line 8, delete formula (I) and delete the lines under the formula (I).

In claim 49, in page 33, delete lines 1-3, delete formula (II), delete the lines under the formula (II).

In claim 49, in page 34, delete formula (III) and delete the lines under the formula (III).

In claim 49, in page 35, delete formulae (IV) and (V) and delete the lines under the formulae (IV) and (V).

In claim 49, in page 36, delete lines 1-6, delete formula (VI) and delete the lines under the formula (VI).

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In claim 49, in page 37, delete lines 1-2.

In claim 49 in page 38, delete line 7 under the formula (VIII), delete formulae (IX) and (X) and delete the lines under formulae (IX) and (X).

In claim 49, in page 39, delete lines 1-3, delete formula (XI), delete the lines under the formula (XI) and delete formula (XII).

In claim 49, in page 40, delete lines 1-5, delete formula (XIII) and delete the lines under the formula (XIII).

In claim 49, in page 41, delete formula (XIV), delete the lines under the formula (XIV), and delete formula (XV).

In claim 49, in page 42 delete lines 1-5, delete formula (XVI), delete lines 1-4 under the formula (XVI), delete formula (XVII) and delete the term "in which:" under the formula (XVII).

In claim 49 in page 43, delete lines 1-11, in line 14, delete "aldehydes:" and delete "quinones;" in line 15, delete " diiminoisoindoline derivatives; 3-aminoisoindolone derivatives;", delete lines 17-19 and delete formula (XVIII).

In claim 49, in page 44, delete lines 1-2, delete formula (XVIII A) and delete the lines under the formula (XVIII A).

In claim 49, in page 45, delete lines 1-4.

In claim 98, in page 66, delete line 2, delete formula (I), delete the lines under the formula (I) and delete formula (II).

In claim 98, in page 67, delete lines 1-10, delete formula (III) and delete the lines under the formula (III).

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In claim 98, in page 68, delete lines 1-4, delete formulae (IV) and (V) and delete the lines under the formulae (IV) and (V).

In claim 98, in page 69, delete lines 1-7, delete formula (VI) and delete the lines under the formula (VI).

In claim 98, in page 70, delete lines 1-2.

In claim 98, in page 71, delete line 7 under the formula (VIII), delete formulae (IX) and (X) and delete the lines under the formulae (IX) and (X).

In claim 98, in page 72, delete lines 1-3, delete formula (XI), delete the lines under the formula (XI) and delete formula (XII).

In claim 98, in page 73, delete lines 1-5, delete formula (XIII) and delete the lines under the formula (XIII).

In claim 98, in page 74, delete formula (XIV), delete the lines under the formula (XIV), delete formula (XV) and delete the term "in which:" under the formula (XV).

In claim 98, in page 75, delete lines 1-4, delete formula (XVI), delete lines 1-4 under the formula (XVI), delete formula (XVII) and delete the lines under the formula (XVII).

In claim 98, in page 76, delete lines 1-10, in line 15 delete "aldehydes;" delete "quinones;" and delete "diiminoisoindoline", in line 16, delete, "derivatives; 3-aminoisoindolone derivatives;" , delete lines 18-20 and delete formula (XVIII).

In claim 98, in page 77, delete lines 1-2, delete formula (XVIII A) and delete the lines under the formula (XVIII A).

In claim 98, in page 78, delete lines 1-4.

2 Claims 17-20, 26-29, 39, 42, 45-53, 56-57, 61-64, 74, 77 and 80-100 are allowed.

### STATEMENT OF REASONS FOR ALLOWANCE

3 The following is an examiner's statement of reasons for allowance:

The closet prior art of record (US 5,034,014) does not teach or disclose a process for dyeing keratin fibers, a composition for dyeing keratin fibers or a multi-compartment device for dyeing keratin fibers comprising at least one compound chosen from pyridine derivatives having formula (VII) and derivatives having formula (VIII) in combination with at least one compound chosen from ketones having formula (XIX) and formula (XX) and wherein the coloration of the keratin fibers is achieved without an oxidizing agent and wherein the dyeing composition also does not comprise an oxidizing agent as claimed. Accordingly, the claimed subject matter as a whole would not have been obvious to one having ordinary skill in the art of keratin fibers dyeing formulation.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eisa B. Elhilo whose telephone number is (571) 272-1315. The examiner can normally be reached on M - F (8:00 -5:30) with alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Eisa Elhilo  
Primary Examiner  
Art Unit 1751

October 5, 2005